

Assembly Bill No. 609

CHAPTER 600

An act to amend Section 15814.12 of the Government Code, relating to state buildings.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 609, Eng. State building construction: energy conservation.

The State Building Construction Act of 1955 authorizes the State Public Works Board to acquire and to engage in the construction of, cogeneration equipment, alternative energy equipment, or conservation measures, and any combination thereof, and to enter into energy service contracts at any structure, building, facility, site, or work used, owned, or acquired by state agencies, subject to specified criteria. Equipment, conservation measures, or energy services contracts subject to these provisions are required to be anticipated to provide cost savings to the state in each year during the term of any revenue bonds, notes, or energy service contracts issued or entered into pursuant to the act or other specified provisions of law, except as otherwise authorized by the Legislature.

This bill would instead require the equipment, conservation measures, or energy service contracts to be anticipated to provide cost savings to the state during the useful life of the equipment or conservation measure.

The people of the State of California do enact as follows:

SECTION 1. Section 15814.12 of the Government Code is amended to read:

15814.12. (a) Without obtaining the authorization required by Section 15808, the board may acquire, and engage in the construction of, cogeneration equipment, alternative energy equipment, or conservation measures, and any combination thereof, and enter into energy service contracts, at any structure, building, facility, site, or work used, owned or hereafter acquired by the state agency, including, but not limited to, the facilities of the California State University and Colleges, the Department of General Services, state prisons, hospitals, and other agencies and the community colleges, but only with the consent of the state agency.

(b) No cogeneration equipment or alternative energy equipment or water conservation equipment shall be acquired or constructed, and no energy service contract shall be entered into, by the board unless it determines that the anticipated cost to the state agency purchasing thermal or electrical

energy or water provided by the equipment or under an energy service contract has been found through life-cycle cost analysis to be cost effective over the life of the equipment installed or over the term of the energy service contract. Equipment, conservation measures, or energy service contracts shall be anticipated to provide cost savings to the state during the useful life of the equipment or conservation measures under Section 14684, Sections 14710 to 14713, inclusive, or Section 15814.30 of this code, under Section 25008 of the Public Resources Code, or under Section 388 of the Public Utilities Code.

(c) Alternatively, the board may execute agreements to finance the construction of cogeneration equipment, alternative energy equipment, water conservation equipment, or conservation measures, and any combination thereof, by the state agency, including the University of California, to be owned by the state agency, in exchange for repayment of the financing and all costs and expenses related thereto from revenues resulting from sales of electricity or thermal energy or water from the facilities and measures or from funding which otherwise would have been used for purchase of electricity, water, and thermal energy required by the state agency but which is derived from the facilities and measures.

(d) This section shall not prohibit, limit, or supersede more stringent green building requirements for any structure, building, facility, site, or work.